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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,576	02/10/2004	Seppo Vesterinen	088245-0388	8892

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EXAMINER
KING, SIMON

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/774,576	VESTERINEN ET AL.
	Examiner	Art Unit	
	SIMON KING	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 May 2008</u>.
2a) ☒ This action is **FINAL**.　　　2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-32</u> is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-32</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) <u>33-38</u> are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　　1. ☐ Certified copies of the priority documents have been received.
　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Election/Restrictions

1. 37 CFR 1.145. Subsequent presentation of claims for different invention. If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in § § 1.143 and 1.144

8.04 Election by Original Presentation

Newly submitted claims 33-38, directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 33-38, drawn to method of creating a link layers address for a module located within a base station. Creation of the different link layers address is conditional based upon the information about the position of the module within the base station.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Singhal et al.

(US 2003/0195002 A1).

        As for claim 1, Singhal discloses a method (abstract) for configuring addresses in a

packet switched data communication system (P2,[0023]: packet network), the method

comprising: configuring a temporary address (P5: [0052] and [0054]: DHCP assigns MAC

address: Fig.2: address has expiration time: P3,[0035]) for an interface of a sub-element of a

network element (P2,[0023]: Ethernet interface), the network element comprising a control

module (Fig.1: Core) and the sub-element (Fig.1 and P1,[0009]: HMP - Network Access point);

retrieving an identifier (P6,[0068]) of the network element from the control module; and defining

a second address for the interface of the sub-element based on by including the retrieved

identifier of the network element and the temporary address (Fig.1 and 6: P5,[0052-0057]).

        As for claims 2 and 16, Singhal discloses a method and a network element, wherein the

configuring temporary address is a local link layer address for the interface of the sub-element

(P5,[0057]: MAC address).

        As for claims 3 and 17, Singhal discloses a method and a network element, wherein the

temporary address for the interface of the sub- element is configured based on the position of

the sub-element in the network element (P6,[0068]).

        As for claims 4 and 18, Singhal discloses a method and a network element, wherein the

temporary address for the interface of the sub- element is configured based on a serial number

of the sub-element (P6,[0068]).

As for claims 5 and 19, Singhal discloses a method and a network element, wherein the control module is configured to access the identifier of the network element without communicating with other network elements (P5,[0055]).

As for claims 6 and 20, Singhal discloses a method and a network element, wherein the control module is configured to store the identifier of the network element in a memory of the control module (P2-3,[0027-0029]: record in Core server's domain)

As for claims 7 and 21, Singhal discloses a method and a network element, further comprising verifying the uniqueness of the second address using a duplicate address detection process (P5,[0057]).

As for claims 8 and 22, Singhal discloses a method and a network element, wherein the identifier of the network element is retrieved from the control module using the temporary address as a unique address to carry out an automatic address resolution procedure locally in the network element (P8,[0078]).

As for claims 9 and 23, Singhal discloses a method and a network element, wherein the defined second address comprises a network layer address for the interface of the sub-element (P2,[0028]: IP address).

As for claims 10 and 24, Singhal discloses a method and a network element, further comprising blocking, inside the network element, all data packets that do not contain the identifier of the network element (P5,[0051]).

As for claim 11, Singhal discloses a method, further comprising enabling the interface of the sub-element for network element external communication after the second address for the interface of the sub-element is defined (P3,[0029-0030]).

As for claims 12 and 25, Singhal discloses a method and a network element, further comprising retrieving a network portion identifying a logical network and including the network portion with the second address of the interface of the sub-element (P5,[0057] LAN and IP address).

As for claim 13, Singhal discloses a method, wherein the logical network is a layer 2 switched local area network with at least two network elements (P2,[0022]: 802.11: Fig.1 and P2,[0022]: Devices 120 and HMP).

As for claim 14, Singhal discloses computer program product comprising program code for performing the method of claim 1, the program code embodied on a computer-readable memory and executable by a processor of the network element (P1,[0009]: computer program instruction: P4,[0039]: Core processing; hence a processor must be present to perform the process).

As for claim 15, Singhal discloses a network element comprising: a sub-element; a control module; a processor; and a computer-readable memory operably coupled to the processor, the computer-readable memory comprising instructions that, upon execution by the processor (P1,[0009]: computer program instruction: P4,[0039]: Core processing; hence a processor must be present to perform the process), perform operations comprising configuring a temporary address for an interface of the sub-element; retrieving an identifier of the network element from the control module; and defining a second address for the interface of the sub-element based on the retrieved identifier of the network element and the temporary address (see rejection for claim 1).

As for claim 26, A network element according to claim 16, wherein the local link layer address is based on a 48-bit media access control identifier format (P2[0022]: 802.11 (802.11 uses 48 bit MAC address)).

As for claim 27, Singhal discloses a network element, wherein the network layer address is one of a link-local Internet Protocol version 6 address based on an EUI-64 identifier and an Internet Protocol version 4 address using a dynamic host configuration protocol (P2,[0028] and P3,[0033-0034]).

As for claim 28, Singhal discloses a network element, wherein the network element is a transceiver (Fig.1 and P2,[0023]: HMP communicates in wireless, hence a transceiver is present).

As for claim 29, Singhal discloses a communication system (abstract) comprising: a logical network comprising at least two network elements, a network element of the at least two network elements comprising at least one sub-element and a control module; a configuring means for configuring a temporary address for an interface of a sub-element of the at least one sub-element and to define an address for the interface of the sub-element based on an identifier of the network element retrieved by a retrieving means from the control module and the temporary address (see rejection for claim 1).

As for claim 30, Singhal discloses a communication system, wherein the defined address further comprises a network portion identifying the logical network (P5,[0057] LAN and IP address).

As for claim 31, Singhal discloses a communication system, wherein the defined address comprises one of a link-local Internet Protocol version 6 address based on an EUI-64 identifier and an Internet Protocol version 4 address using a dynamic host configuration protocol (P2,[0028] and P3,[0033-0034]).

As for claim 32, Singhal discloses a communication system, wherein the temporary address is based on a 48-bit media access control identifier format (P2[0022]: 802.11 (802.11 uses 48 bit MAC address)).

Response to Amendment

4.   Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KING whose telephone number is (571)270-1950. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

27 August, 2008   /SIMON KING/
                                                       Examiner, Art Unit 2614
/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614